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# The Syllabus Is the Law--Another Word

Thomas P. Hardman

*West Virginia University College of Law*

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### “THE SYLLABUS IS THE LAW”—ANOTHER WORD BY FOX, J.

In one of its most recent decisions<sup>1</sup> our Supreme Court of Appeals makes a significant statement which deftly explodes the widespread notion that the syllabus has some sort of sacrosanct efficacy in West Virginia. Anent the syllabus in a former case,<sup>2</sup> the court, *per* Fox, J., delivers a neat requiescat:

“We think the ruling of the court in that case, while not carried into the syllabus, is nevertheless law rather than dicta, if there be a distinction between the two.”<sup>3</sup>

The distinction — “if there be a distinction” — between law and dicta is of course another story, though a closely related one.

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<sup>1</sup> *Miller v. Huntington & Ohio Bridge Co.*, 15 S. E. (2d) 687 (W. Va. 1941).

<sup>2</sup> *Davis v. West Virginia Bridge Comm.*, 113 W. Va. 110, 166 S. E. 819 (1932).

<sup>3</sup> *Miller v. Huntington & Ohio Bridge Co.*, 15 S. E. (2d) 687, 692 (W. Va. 1941).

## EDITORIAL NOTE

But the learned judge's pronouncement as to the status of the syllabus is too neat to justify comment.<sup>4</sup>

THOMAS P. HARDMAN.

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<sup>4</sup> Former discussions of this same topic, to which the present note is only an appendix: "*The Law*"—in *West Virginia* (1940) 47 W. VA. L. Q. 23, and "*The Syllabus Is the Law*" (1941) 47 W. VA. L. Q. 141; "*The Syllabus Is the Law*" — *Another Word*, *id.* at 209.